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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,607	06/19/2006	Yousuke Suzuki	OKUDP0171US	8367

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EXAMINER

CHOWDHURY, NIGAR

ART UNIT	PAPER NUMBER
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2621

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06/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,607	Applicant(s) SUZUKI ET AL.	
	Examiner NIGAR CHOWDHURY	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/19/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 1 recites the limitation "the newest management information" in line 23.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0174430 by Ellis et al. in view of US 6,754,665 by Futagami et al.
2. Regarding **claim 1**, Ellis et al. discloses a server device for use with a client device in a movie distribution system, the server device comprising:
 - a video recording processing section for recording a movie and generating not only movie data, made up of predetermined data units, but also management information in which a playback duration and a data size are associated with each other with respect to each said data unit (fig. 1, 44, 45, paragraph 0161,0164-0168, 0174, 0177, 0339-0345);

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- a storage medium to store the movie data and the management information thereon (fig. 1, 44, 45, paragraph 0161,0164-0168, 0174, 0177, 0339-0345);
- a receiving section, which receives a request to get the management information and a request to transmit the data unit from the client device (fig. 1, 44, 45, paragraph 0161,0164-0168, 0174, 0177, 0339-0345);
- a request processing section for reading the management information and the data unit in response to the request to get and the request to transmit, respectively, and instructing that the management information and the data unit be transmitted (fig. 1, 44, 45, paragraph 0161,0164-0168, 0174, 0177, 0339-0345); and
- a transmitting section for transmitting the management information and data unit instructed (fig. 1, 44, 45, paragraph 0161,0164-0168, 0174, 0177, 0339-0345)

Ellis et al. fails to disclose

- wherein if the request to transmit the data unit has been received after the management information was transmitted, the request processing section instructs that at least a piece of the newest management information be transmitted with the data unit selected by the request to transmit.

Futagami et al. discloses

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- wherein if the request to transmit the data unit has been received after the management information was transmitted, the request processing section instructs that at least a piece of the newest management information be transmitted with the data unit selected by the request to transmit (col. 9 lines 65-col 10 lines 8).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Ellis et al.'s system to include newest management information, as taught by Futagami et al., for user to know about updated management information.

3. Regarding **claim 2**, Futagami et al. discloses the server device wherein the request processing section instructs that a piece of the management information, which has been updated after the management information was transmitted and until the at least one data unit selected by the request to transmit is transmitted, be transmitted (col. 9 lines 65-col 10 lines 8).

4. Regarding **claim 3**, Ellis et al. discloses the server device wherein when the video recording processing section stops recording the movie, the request processing section instructs that a notification of the stop of recording be sent and the transmitting section sends the notification with the data unit selected by the request to transmit (fig. 31, paragraph 0330, 0333).

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5. Regarding **claim 4**, the server device wherein the transmitting section transmits at least two of: the data unit (Ellis et al., fig. 1, 44, 45, paragraph 0161, 0164-0168, 0174, 0177, 0339-0345); at least the piece of the newest management information (Futagami et al., col. 9 lines 65-col. 10 lines 8); and the notification, that are stored in separate sections of a message so as to be distinguished from each other.

6. Regarding **claim 5**, Ellis et al. discloses the server device wherein the movie data concerns a stream compliant with one of the MPEG standards and the data unit is a video object unit (paragraph 0251).

7. Regarding **claim 6**, the server device wherein the video recording processing section generates management information in which playback-related attributes of the movie are further associated with each said data unit (fig. 1, 44, 45, paragraph 0161, 0164-0168, 0174, 0177, 0339-0345).

8. Regarding **claim 7**, Ellis et al. discloses a client device for use with a server device in a movie distribution system, the server device recording a movie and storing not only movie data, made up of predetermined data units, but also management information in which a playback duration and a data size are associated with each other with respect to each said data unit, the client device comprising:

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- a transmitting section for sending the server device a request to get the management information and a request to transmit the data unit (fig. 1, 44, 45, paragraph 0161,0164-0168, 0174, 0177, 0339-0345);
- a receiving section for receiving the management information and the data unit from the server device that has responded to the request to get and the request to transmit, respectively (fig. 1, 44, 45, paragraph 0161,0164-0168, 0174, 0177, 0339-0345);
- a playback control section for finding a data unit that is needed to make a streaming playback by reference to the management information and instructing that the request to transmit be sent (fig. 1, 44, 45, paragraph 0161,0164-0168, 0174, 0177, 0339-0345); and
- a movie output processing section for playing back the movie based on the data unit received (fig. 1, 44, 45, paragraph 0161,0164-0168, 0174, 0177, 0339-0345),

Ellis et al. fails to disclose

- wherein the receiving section receives not only the data unit but also at least a piece of the newest management information from the server device.

Futagami et al. discloses

- wherein the receiving section receives not only the data unit but also at least a piece of the newest management information from the server device (col. 9 lines 65-col 10 lines 8).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Ellis et al.'s system to include newest management information, as taught by Futagami et al., for user to know about updated management information.

9. Regarding **claim 8**, Futagami et al. the client device wherein the receiving section receives a piece of the management information, which has been updated after the server device transmitted the management information in response to the request to get and until the at least one data unit selected by the request to transmit is transmitted (col. 9 lines 65-col 10 lines 8).

10. Regarding **claim 9**, Ellis discloses the client device wherein the receiving section receives not only the data unit but also a notification of stop of recording from the server device (fig. 31, paragraph 0330, 0333).

11. Regarding **claim 10**, the client device wherein the receiving section receives a message, in which at least two of: the data unit (Ellis et al., fig. 1, 44, 45, paragraph 0161, 0164-0168, 0174, 0177, 0339-0345); at least the piece of the newest management information (Futagami et al., col. 9 lines 65-col. 10 lines 8); and the notification, are stored, and distinguishes and retrieves the at least two of them.

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12. Regarding **claim 11**, Ellis et al. discloses the client device wherein the movie data concerns a stream compliant with one of the MPEG standards and the data unit is a video object unit (paragraph 0251).

13. Regarding **claim 12**, Ellis et al. disclose the client device wherein the receiving section receives management information in which playback-related attributes of the movie are further associated with each said data unit, and wherein the movie output processing section plays back the movie in accordance with the attributes and the data units (fig. 1, 44, 45, paragraph 0161, 0164-0168, 0174, 0177, 0339-0345).

14. **Claim 13** is rejected for the same reason as discussed in the corresponding claims 1 and 7 above.

15. **Claim 14** is rejected for the same reason as discussed in the corresponding claim 1 above.

16. **Claim 15** is rejected for the same reason as discussed in the corresponding claim 7 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC

06/04/2010

/JAMIE JO ATALA/

Primary Examiner, Art Unit 2621